THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.225 of 2006

Date:06.01.2006

Between:

G.Anjaiah

-------PETITIONER

AND

The Superintending Engineer and another

---------RESPONDENTS

ORDER:

The petitioner was employed initially as a Helper on 28.04.1989 in the process of regularization of service of ex-casual labour. Alleging that the petitioner had impersonated himself and obtained a certificate of ex-casual labour in the name of G.Anjaiah, departmental proceedings were initiated on the one hand and a complaint was filed before the police concerned for initiation of prosecution on the other. The criminal case was taken up by the Court of Judicial Magistrate of First Class, Special Mobile Court, at Nalgonda, as C.C.No.280 of 1999.

In the departmental proceedings, the respondents appointed an Enquiry Officer and a report was submitted on 03.06.1993, holding that the charge against the petitioner is proved. A show cause notice, dated 04.03.1994, was issued to the petitioner. The petitioner states that he submitted an explanation within the time stipulated therein. He contends that he has been acquitted in the criminal case through the Judgment, dated 11.07.2002 and thereafter, the respondents did not take any action. On his behalf, two legal notices were also issued. He seeks necessary directions in this

regard.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The respondents initiated two sets of proceedings simultaneously against the petitioner. In the departmental proceedings, the Enquiry Officer found the petitioner guilty of the charges levelled against him. However, the criminal case ended in acquittal of the petitioner.

It is settled principle of law that mere acquittal in a criminal case does not, by itself, wipe away, or set at naught, the departmental proceedings. Whatever may have been the justification for the respondents in not proceeding with the matter further, after issuance of the show cause notice, dated 04.03.1994, obviously, on account of pendency of the criminal proceedings; they were under obligation to take appropriate decision, once the criminal Court rendered its Judgment on 11.07.2002. The petitioner is kept under suspension for the past more than a decade. Now that the criminal Court rendered its Judgment, there does not exist any impediment for the respondents in finalizing the disciplinary proceedings against the petitioner.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to finalise the departmental proceedings initiated against the petitioner, within a period of four (4) weeks from today. There shall be no order as costs.

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06.01.2006

kdl